UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,696	12/10/2001	Gary Tessman JR.	06975-172001/Communicatio	9895

			EXAMINER
26171 7590 11/21/2005			NGUYEN, MERILYN P
FISH & RICHARDSON P.C.			
P.O. BOX 1022		ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022		2163	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08/08/2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20,22-48 and 60_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20,22-48 and 60_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _10 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _07/22/2005_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: _Detailed action_.

DETAILED ACTION

1.   In response to the communication dated 08/08/2005, claims 1-20, 22-48 and 60 are

pending in this office action as the results of the cancellation of claims 21 and 49-59.

2.   This application claims benefit of US provisional application 60/251,834 filed on

December 8, 2000.

Acknowledges

3.   Receipt is acknowledged of the following items from the Applicant:

- o The applicant amendment has been considered and made of record as Paper dated

   August 08, 2005.

- o Information Disclosure Statement (IDS) filed on July 22, 2005 and made of

   record. The references cited on the PTOL 1449 form have been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 4, 22, 25, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding claims 4, 25, and 38, the recitation of "translating the storage path information" is vague and because it's unclear "translating the storage path information" into what within the context of the claim.

Regarding claim 22, there is insufficient antecedent basis for "a digital image".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-20, 22-47 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 6,389,460), in view of Lee (US 6,381,629).

Regarding claims 1, 15, and 16, Stewart discloses a method of, an apparatus, and a computer program, stored on a computer readable medium, for storing digital images within a computer system (See col. 15, line 64 through col. 17, line 67) comprising: identifying (See col. 10, lines 65-67) a first storage facility (image store 214, Fig. 2) and a directory (Fig. 8) within the first storage facility for storing a digital image (See col. 10, lines 55-67 and more detail in col. 20, lines 12-25); generating a first image identifier (url) associated with the first storage facility and the directory (See col. 16, lines 33-40, wherein the image identification string is formed corresponding to at least the first image identifier). Stewart is silent as to generating a second image identifier comprising a random number. On the other hand, Lee teaches generating image

identifier comprising a random number (See col. 4, lines 4-12, Lee et al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to generate and incorporate the image identifier associated with a random number into the image identification string of Stewart system. The resultant use of forming an image identification string including the image identifier associated with a random number would have performed the intended (by Stewart) function, without undue experimentation and with expected and obvious result. The motivation would have been to make unique identifiers for each image stored in storage facility.

Stewart and Lee further discloses generating a unique hash value by encrypting the first and second image identifiers (See col. 16, lines 49-59); identifying a storage path using the first and second image identifiers and the unique hash value such that related digital images have unrelated storage paths (See col. 17, lines 8-45, and Fig. 8 and corresponding text, wherein associated digital images in the resulting directories, for example RD 1-7 of Fig. 8, have different or unrelated storage path [different hash directories]).

Regarding claims 2, 23, and 36, Stewart/Lee discloses wherein the digital image is received from at least one of a subscriber of the computer system and a third party associated with the subscriber (See col. 14, lines 40-59).

Regarding claims 3, 24, and 37, Stewart/Lee discloses wherein identifying a storage path comprises extracting storage path information from at least one of the first image identifier and the second image identifier (See col. 17, lines 8-12, Stewart et al.).

Regarding claims 4, 25, and 38, Stewart/Lee discloses translating the extracted storage path information (See col. 17, lines 12-13, Stewart et al.).

Regarding claims 5, 26, and 39, Stewart/Lee discloses wherein identifying a storage path comprises using the unique hash value as a filename (See col. 11, lines 32-39, and col. 26, lines 4-11, Stewart et al.).

Regarding claims 6, 27, and 40, Stewart/Lee discloses storing the digital image in the first storage facility at the identified storage path (See col. 5, lines 1-4, and col. 20, lines 12-49, Stewart et al.).

Regarding claims 7, 28, and 41, Stewart/Lee discloses generating and storing lower resolution thumbnails (compress form) at the identified storage path (See col. 7, lines 15-22, and col. 15, lines 29-35, Stewart et al.).

Regarding claims 8, 29, and 42, Stewart/Lee discloses identifying a second storage facility for storing metadata describing the digital image (See col. 12, lines 9-44, Stewart et al.).

Regarding claims 9, 30, and 43, Stewart/Lee discloses identifying a second storage facility comprises encoding account information associated with the digital image (See col. 4, lines 62-65, and col. 12, lines 9-18, Stewart et al.).

Regarding claims 10, 31, and 44, Stewart/Lee discloses wherein the account information comprises a screen name associated with a subscriber (See col. 4, lines 62-65, wherein cookies and authorizations information correspond to account information, Stewart et al.).

Regarding claims 11, 32, and 45, Stewart/Lee discloses mapping the encoded account information to an appropriate storage space group containing second storage facility (See col. 24, lines 10-14, and col. 25, lines 29-65, Stewart et al.).

Regarding claims 12, 33, and 46, Stewart/Lee discloses storing metadata describing the digital image in the second storage facility (See col. 12, lines 9-44, Stewart et al.).

Regarding claims 13, 34, and 47, Stewart/Lee discloses providing access to the stored digital image and the stored metadata (See col. 18, line 40 to col. 19, line 40, Stewart et al.).

Regarding claims 17-20, Stewart/Lee discloses the computer readable medium comprises a disk/a client device/a host device/a propagated signal (See Fig. 2, and col. 6, lines 42-54, Stewart et al.).

Regarding claim 22, Stewart/Lee discloses receiving a notification associated with the digital image from the first subscriber; and regulating access of the first subscriber to the digital image (See col. 7, lines 15-21 and col. 8, lines 45-65, and col. 13, lines 13-26, Stewart et al.).

Regarding claim 60, Stewart/Lee discloses regulating access of an online identity other

than the subscriber to the digital image based on the notification (See col. 13, lines 13-26,

wherein regulating access is established through the user of proxies, Stewart et al.).

6.   Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US

6,389,460), in view of Lee (US 6,381,629), and further in view of Mattis (US 6,209,003).

Regarding claim 48, Stewart/Lee discloses all the claimed subject matter as set forth

above, however, Stewart/Lee is silent as to generating the unique hash value comprises applying

at least one of the MD5 algorithm and the DEC algorithm to the first and second image

identifiers. On the other hand, Mattis teaches using the MD5 algorithm to generate the unique

hash value (See Figs. 3A, 3B, and col. 9, line 62 to col. 10, line 10, and also col. 28, lines 35-40,

Mattis et al.). Because Stewart/Lee teaches generating the unique hash value (See col. 16, lines

49-59, Stewart et al.), it would have been obvious to one having ordinary skill in the art at the

time of the invention was made to use the MD5 algorithm to generate the unique hash value as

suggested by Mattis. The motivation would have been to secure the images that are to be

transmitted and stored.

Response to Arguments

7.   Applicant's remarks filed on 08/08/2005 with respect to claims 1-20, 22-48 and 60 have

been fully considered. However, upon further consideration, the allowable subject matter at set

forth in the previous action has been withdrawn. Therefore, a new ground(s) of rejection is made.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kunishige U.S Patent No. 6,092,023 discloses automatic image data filing system using attribute information.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Merilyn P Nguyen whose telephone number is 571-272-4026. The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN
November 09, 2005

FRANTZ COBY
PRIMARY EXAMINER